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## North Coast Regional Water Quality Control Board

TO: Diana Henrioulle

FROM: Caila Heintz

DATE: July 31, 2018

SUBJECT: **Inspection Report** for July 19, 2018 Warrant Inspection of Trinity County APN 016-200-17-00.

File: Cannabis Program Inspections, Trinity County, July 2018 WET Inspections, Rodney and Gayle Baker, CIWQS Place ID 849792

### Property information

**County:** Trinity

**Physical address:** 2790 State Highway 3, Hayfork CA. 96041

**APN:** 016-200-17-00

**Owner:** Rodney and Gayle Baker  
P.O. Box 457  
Hayfork, CA 96041

**Size:** 8.25 acres

**Watershed:** Trinity River Hydrologic Unit; South Fork Trinity River Hydrologic Area; Hayfork Valley Hydrologic Subarea (HU/HA/HSA 106.25; see Table 2-1 of the Water Quality Control Plan for the North Coast Region (Basin Plan), for beneficial uses).

### Regulatory status with the Regional Water Board

#### Site Development:

No record of permitting for site development.

Applicable programs: Clean Water Act section 401 Water Quality Certification and/or waste discharge requirements for dredge/fill in a surface water.

**Onsite activities/operations:**

No record of permitting for onsite activities/operations.

Applicable programs: Regional or statewide cannabis order. Waste discharge requirements for discharge of waste to waters of the state.

**Inspection information**

**Date/time:** July 19, 2018

**Type:** Watershed Enforcement Team Warrant Inspection

**Attendance:**

Caila Heintz, Environmental Scientist (ES), Region 1

Brian Fuller, Engineering Geologist (EG), Region 1

Ryan Babb, Water Resource Control Engineer (WRCE), State Water Board, Division of Water Rights

Kari Gahan, ES, California Department of Fish and Wildlife (CDFW)

Jacqueline Matthews, Senior ES Specialist, CDFW

California National Guard

Trinity Sheriff's Office

Yuba Sheriff's Office

**Background/Objective:**

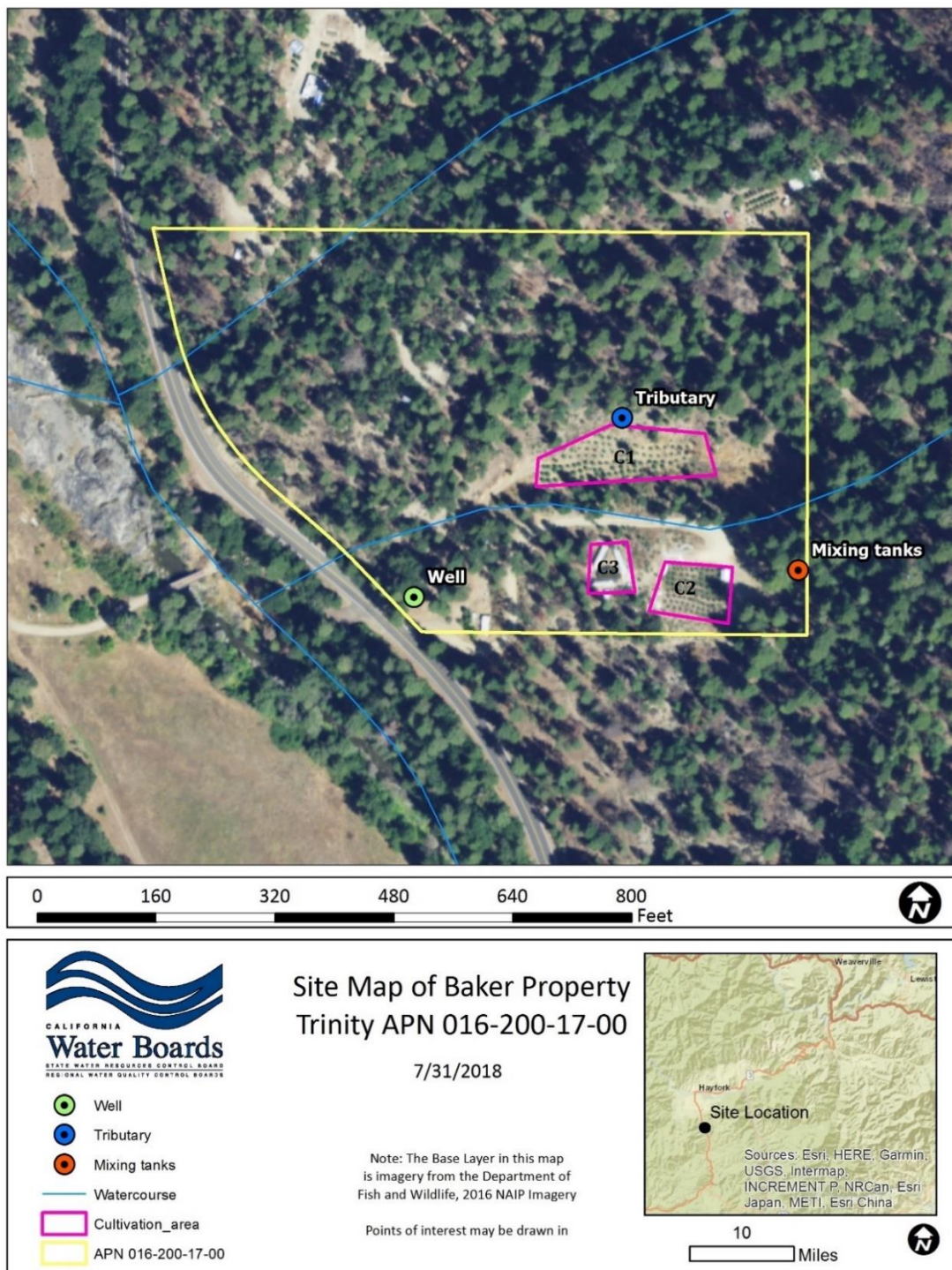
North Coast Regional Water Board (Regional Water Board) staff participated with staff of the California Department of Fish and Wildlife, State Water Board's Office of Enforcement and Division of Water Rights, and personnel from various law enforcement agencies in two days of inspections of multiple cannabis cultivation sites in Trinity County, on July 19 and 20, 2018. Inspection objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

**Inspection Observations**

We began our inspection at the southwest portion of the Property at the main access road and observed a well north of the road with PVC pipes in the well. We walked northeast from the well into a valley. Both ridges on either side of the valley were trending east-west. The first cannabis cultivation area we observed (C1) was in the valley. We observed a gasoline container on the ground near C1. To the northeast of C1 was a campsite with processed cannabis, as well as numerous debris piles and food. We observed a defined bed and bank to the northeast of C1 draining into the valley. The valley drains towards the west where it connects to a grated drain that diverts water under Highway 3 and connects to Salt Creek. Any evidence of a watercourse in the valley has been disturbed and/or covered by imported potting soil.

Hiking up the ridge to the south of the cultivation area we came to the main access road where we observed drainage swales on the dirt road. At the end of the road, we observed a second cannabis cultivation area (C2) positioned on the top of the ridge. We observed a pile of cannabis-related wastes, including motor oil, various fertilizers, used plastic plant pots and rope at the southwest corner of the ridge. We observed two sheds near the cultivation area and a third cannabis cultivation area (C3) to the west of the second cultivation area. We observed two mixing tanks, one 275-gallon and one 2,500-gallon. To the south of the mixing tanks, at the southeastern edge of the Property, we observed toilet paper and detected human waste odors.

## Inspection Map



**Table of observed features**

Feature	Brief Description	Water Quality concern	Associated Photo(s)
Active cannabis cultivation	Ground disturbance and cannabis cultivation area totaling approximately 25,143 square feet.	More than 20,000 square feet of cannabis cultivation. No enrollment under Water Board cannabis cultivation waste discharge order.	1-3
Main Access Road	Drainage swales observed throughout main access roads.	Discharges and threatened discharges of sediment into surface waters.	4-5
Chemical Storage/Waste	Multiple gasoline containers, fertilizer containers.	Threatened/potential discharges into surface and groundwater.	6-7
Improper disposal of human waste	Human waste odors and toilet paper onsite.	Threatened/potential discharges into surface and groundwater.	

**A comparison of conditions observed on the site with categories of activities typically associated with water quality concerns at cannabis cultivation sites:**

- 1. Site maintenance, erosion control and drainage features:** Staff observed discharges and threatened discharges of sediment to surface waters associated with the main access road.
- 2. Stream crossing maintenance and improvement:** Staff observed a number of drainage swales crossing the road; it appears that the road was constructed through watercourses without installation of stable conveyance for the watercourses.

3. **Stream and wetland buffers:** Staff observed a defined bed and bank channel draining into the valley from the northeast where cultivation was occurring (C1).
4. **Spoils management:** Staff observed imported potting soil in the watercourse referenced above.
5. **Water storage and use:** Staff observed no water quality issues associated with water storage and use.
6. **Irrigation runoff:** Given the location of cultivation area C1 either immediately adjacent to or built within a watercourse, there is a high potential for irrigation runoff from this area to enter and carry pollutants into receiving waters.
7. **Fertilizers and soil amendments:** Staff observed fertilizer containers at locations where spills or leaks may enter or be transported into receiving waters.
8. **Pesticides:** Staff observed pesticides at locations where they may enter or be transported in receiving waters.
9. **Petroleum products and other chemicals:** Staff observed fuel containers at locations where spills or leaks may enter or be transported into receiving waters.
10. **Cultivation-related wastes:** Staff observed cannabis related wastes near cultivation area C2.
11. **Refuse and human waste:** Staff observed refuse at locations where it may enter or be transported into receiving waters. Staff did not observe human waste containment/ disposal systems or facilities on the Property, but did observe evidence of uncontained/uncontrolled human waste discharge near the southeastern edge of the Property.

## Recommendations

1. Store and contain all chemicals, including petroleum, fertilizer and/or pesticides properly to prevent spillage and discharge to receiving waters. Provide secondary containment for all petroleum products. As a reference for the goal of this recommendation, review standard conditions 7, 8, and 9 of Regional Water Board Order No. R1-2015-0023 (Regional Cannabis Order) and relevant portions of the CANGO (Cannabis General Order). Links to both orders provided below.
2. Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, watercourse crossings, and cultivation areas throughout the Property are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include

measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters. As a reference for the goal of this recommendation, review standard conditions 1, 2, 3, and 4 of the regional cannabis order and relevant portions of the CANGO.

The Regional cannabis order can be found at this link:

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2015/15\\_0023\\_Cannabis\\_Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf)

The CANGO (Order WQ 2017-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities) can be found at this link:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/finaladoptedcango101717.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf)

3. Comply with directives/recommendations provided by the Division of Water Rights and/or the CDFW regarding use/permitting/abandonment of the onsite well. Ensure that well abandonment meets applicable State/County requirements.
4. Cease uncontained/uncontrolled discharges of human waste, and develop and implement a short term and longer term/permanent plan for human waste containment and disposal that is protective of water quality and complies with applicable Trinity County requirements.
5. In the event that the property owner and/or tenant(s) propose in the future to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, staff recommend that the owner(s)/tenant(s) be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: "No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260." In addition, projects involving the disturbance of an acre or more of land are subject to regulation under the State Water Board's Construction General Stormwater permit, and projects involving dredge or fill in waters of the United States are subject to regulation under Clean



Water Act section 401. For more information about Water Board permits that may apply to proposed site development or land use activities, refer to this link:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/permit/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/)

6. If the property owner and/or tenant(s) choose to continue to cultivate cannabis, enroll for coverage under and take steps to comply with the requirements of the CANGO.

## **ENFORCEMENT DISCRETION**

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

## **PHOTO APPENDIX**

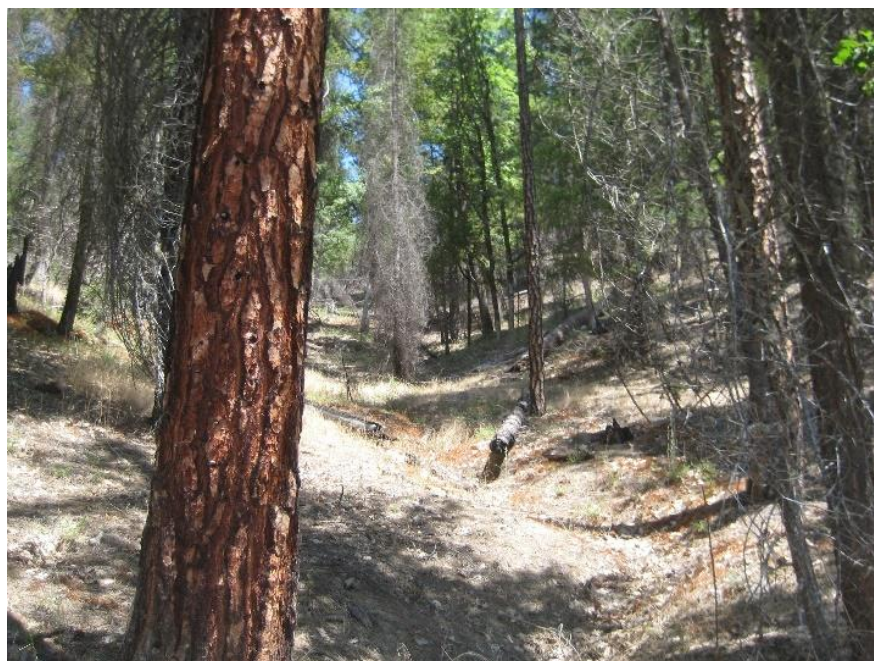
Appendix A – Inspection Photographs 1-8



*Photo Taken by: Caila Heintz 19 July 2018*

Photo 1 – Facing north looking at the cannabis cultivation area C1, located in a valley on Property.





*Photo Taken by: Brian Fuller, 19 July 2018*

Photo 2 – Facing northeast looking at a watercourse that drains into the cultivation area shown in photo 1



*Photo Taken by: Caila Heintz 19 July 2018*

Photo 3 – Facing west looking at second cultivation site, C2



*Photo Taken by Brian Fuller, 19 July 2018*

Photo 4 – Drainage swales on main access road.



*Photo Taken by: Caila Heintz, 19 July 2018*

Photo 5 – Drainage swales on main access road.





*Photo Taken by: Caila Heintz, 19 July 2018*

Photo 6 – Fertilizer/Motor Oil Containers located at southwest corner of ridge near C2



*Photo Taken by: Caila Heintz, 19 July 2018*

Photo 7 – Trash piles observed near campsite located to the northeast of C1



*Photo Taken by Brian Fuller, 19 July 2018*

Photo 8- Well located at southwest corner Property.